

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEONZA TIPTON, #254693,

Plaintiff,

File no: 1:08-CV-421

v.

HON. ROBERT HOLMES BELL

CORRECTIONAL MEDICAL
SERVICES, INC., et al.,

Defendants.

_____/

**ORDER APPROVING MAGISTRATE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate in this action. (Dkt. No. 76.) The Report and Recommendation was duly served on the parties. No objections have been filed.

Accordingly, the Report and Recommendation (Dkt. No. 76) is hereby **ADOPTED** as the opinion of the Court.

THEREFORE, IT IS ORDERED that the Rule 12(b)(6) motion to dismiss filed by Defendant Pramstaller (Dkt. No. 35) is **GRANTED** and Plaintiff's claims against Defendant Pramstaller are **DISMISSED** without prejudice for failure to state a claim.

IT IS FURTHER ORDERED that the motion for summary judgment filed by Defendants Correctional Medical Services, Inc., and Onuigbo (Dkt. No. 43) is **GRANTED**,

and the Court enters **JUDGMENT** in their favor on all of Plaintiff's federal claims.

IT IS FURTHER ORDERED that Plaintiff's claims against Defendant Ivens are **DISMISSED** without prejudice under Rule 4(m) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that Plaintiff's state law claims are **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1367(c)(3).

This case is CONCLUDED.

Dated: July 15, 2009

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE